

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Quinn Crossing, LLC,

Plaintiff,

v.

Adriel Leddy, et al.,

Defendants.

No. 2:21-cv-01745-KJM-KJN

ORDER

Defendant Adriel Leddy, who appears pro se, removed this unlawful detainer action from Solano County Superior Court. *See* Not. Removal, ECF No. 1. Leddy has also moved to proceed in forma pauperis. *See* Mot., ECF No. 2. The court has reviewed the complaint and notice of removal and has determined on its own motion that it lacks subject matter jurisdiction. This action is thus **remanded** to the state court.

When a case “of which the district courts of the United States have original jurisdiction” is initially brought in state court, a defendant may remove it to federal court. 28 U.S.C. § 1441(a). There are two primary bases for federal subject matter jurisdiction. First, under § 1331, district courts have federal question jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Second, under § 1332, district courts have diversity-of-citizenship jurisdiction where the amount in controversy exceeds \$75,000 and the parties are completely diverse. 28 U.S.C. § 1332.

1 Here, the parties are not diverse, and the complaint includes no claims arising under
2 federal law. *See generally* Compl., Notice of Removal Ex. A, ECF No. 1. Leddy argues this
3 court has federal question jurisdiction “because Defendant’s demurrer . . . depend[s] on the
4 determination of Defendant’s rights and Plaintiff’s duties under federal law.” *Id.* ¶ 10. Federal
5 question jurisdiction cannot rest upon an actual or anticipated defense or counterclaim. *Vaden v.*
6 *Discover Bank*, 556 U.S. 49, 60 (2009).

7 A federal district court may remand a case on its own motion where a defendant has not
8 established federal jurisdiction. *See* 28 U.S.C. § 1447(c); *Enrich v. Touche Ross & Co.*, 846 F.2d
9 1190, 1195 (9th Cir. 1988) (citing *Wilson v. Republic Iron & Steel Co.*, 257 U.S. 92, 97 (1921)).
10 This action is thus **remanded** to the Solano County Superior Court.

11 The motion to proceed in forma pauperis is **denied as moot**.

12 | The Clerk's Office is directed to **close this case**.

13 | IT IS SO ORDERED.

14 | DATED: September 28, 2021.

John G. Muller
CHIEF UNITED STATES DISTRICT JUDGE